

THE HONORABLE JOHN C. COUGHENOUR
THE HONORABLE MARSHA PECHMAN
THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LUIS TORRES, Individually and on behalf of
all others similarly situated,

Plaintiff,

v.

MICROSOFT CORPORATION, a Washington
Corporation,

Defendant.

) No. 07-CV-1121 JCC

) Hon. John C. Coughenour

) **DECLARATION OF ERIC LEE IN**
) **SUPPORT OF DESIGNATION OF**
) **KELLER ROHRBACK L.L.P. AS**
) **INTERIM COUNSEL FOR THE**
) **PUTATIVE CLASS PURSUANT TO**
) **FED.R.CIV.P.23(g)(2)(A)**

STEVE CARLIE, Individually and on behalf of
all others similarly situated,

Plaintiff,

v.

MICROSOFT CORPORATION, a Washington
Corporation,

Defendant.

) No. 07-CV-1132 CMP

) Hon. Marsha J. Pechman

[Caption continues on next page.]

1 Casselman, LLC as interim counsel to act on behalf of the putative class pursuant to
2 Fed.R.Civ.P. 23(g)(2)(A).


3 3. Lee & Amtzis has been involved in identifying and investigating potential claims
4 in this action. We have investigated the problem of Microsoft Corporation's ("Microsoft") Xbox
5 360 gaming consoles (the "Xbox 360") and specifically the fact that the Xbox 360 has and had a
6 continuing problem with scratching and ruining game disks and other optical media loaded into
7 the Xbox 360's included DVD-drive.
8

9 4. Lee & Amtzis, P.L. has considerable experience in class action litigation, as
10 illustrated by the firm's Resume, attached as Exhibit A hereto.

11 5. I will assume significant responsibility in this case to assist interim counsel.

12 I declare under penalty of perjury under the laws of the United States of America that the
13 foregoing is true and correct.
14

15 DATED this 17th day of August, 2007.

16
17 By 
18 Eric Lee

LEE & AMTZIS, P.L.

Lee & Amtzis, P.L. (the "Firm") is a firm that concentrates in business litigation, bankruptcy, and class action litigation. The Firm represents individuals and business entities nationwide in business related disputes and complex litigation, including matters involving the federal securities laws, state consumer protection laws, copyright infringement, trademark infringement, federal racketeering laws, and other business related matters. The Firm has obtained numerous multi-million dollar settlements for clients, including settlements in excess of \$10 million.

ERIC LEE

Mr. Lee is the managing member of the Firm. Mr. Lee attended Rutgers University and graduated from the University of South Florida with a B.A. in criminology (with honors). Mr. Lee graduated *magna cum laude* from Nova Southeastern University School of Law and served as the business editor of the *Nova Law Review*. Mr. Lee is licensed to practice in the state of Florida, the United States District Courts for the Southern District of Florida, Middle District of Florida, Southern District of Texas and the Northern District of Texas. Mr. Lee is also admitted to appear before the Eleventh Circuit Court of Appeals, the Fifth Circuit Court of Appeals, and the United States Supreme Court. Mr. Lee is a Past President of the Broward County Chapter of the Federal Bar Association. Mr. Lee is Board Certified in Business Litigation by the Florida Bar. He is a direct descendent of veterans of the American Revolutionary War and the Civil War and is a member of Sons of the American Revolution. In addition to handling numerous jury and non-jury trials, Mr. Lee has also argued cases before the Florida Supreme Court, Eleventh Circuit Court of Appeals, Fourth District Court of Appeal, and Second District Court of Appeal.

A substantial portion of Mr. Lee's practice is devoted to representing individuals and entities in connection with losses suffered because of unfair practices by insurance companies and other businesses. Mr. Lee has served as co-counsel in cases against some of the nation's largest insurance companies, challenging the various unfair practices. Mr. Lee has been appointed as lead class counsel in numerous matters, including actions in which the settlements obtained for class members has exceeded \$10 million.

LEADERSHIP POSITIONS

Jason J. Hammett v. State Farm Florida Insurance Co., Seventeenth Judicial Circuit Court, Broward County, Florida, Case No. 06-01531 (Lead Counsel)

Jorge M. Oliveira and Urania M. Oliveira V. Touse Homes, Inc, d/b/a Engle Homes/Southwest Florida, United States District Court Southern District of Florida, Case No. 05-80475 (Lead Counsel)

Heinz Bonde, derivatively on behalf of The Singing Machine Company, Inc. v. Edward Steele, John F. Klecha, Jack S. Dromgold, April J. Green, Josef A. Bauer, Howard W. Moore, Robert J. Weinberg, and Salberg & Company, P.A., and The Singing Machine Company, Inc., Nominal Defendant, United States District Court Southern District of Florida, Case No. 03-61386 (Lead Derivative Counsel)

Salvatore D. Larusso, D.C., d/b/a Family Chiropractic Center v. Nationwide Mutual Insurance Company, United States District Court Southern District of Florida, Case No. 01-8108 (Lead Counsel)

Salvatore D. Larusso, D.C., d/b/a Family Chiropractic Center v. Liberty Mutual Insurance Company and Community Care Network, Inc., d/b/a CCN, United States District Court Southern District of Florida, Case No: 00-7692 (Lead Counsel)

Dr. Andrew Ellowitz v. American International Insurance Company, AIU Insurance Company, American Home Assurance Company, and American International South Insurance Company, United States District Court Southern District of Florida, Case No. 01-8549 (Lead Counsel)

The Chiropractic Centre, Inc. V. Metropolitan Casualty Insurance Company, et al., United States District Court Southern District of Florida, Case No. 01-6783 (Lead Counsel)

Salvatore D. Larusso, D.C., d.b.a Family Chiropractic Center v. Hartford Insurance Company of The Midwest, Hartford Casualty Insurance Company, Hartford Accident and Indemnity Company, Hartford Underwriters Insurance Company, Twin City Fire Insurance Company, Hartford Insurance Company of the Southeast, And Hartford Fire Insurance Company, United States District Court Southern District of Florida, Case No. 01-8111 (Lead Counsel)

Marc J. Browner, D.C. v. Allstate Indemnity Company, et al., United States District Court Southern District of Florida, Case No. 00-7163 (Lead Counsel)

Ultra Open MRI Corporation v. Deerbrook Insurance Company, United States District Court Southern District of Florida, Case No. 00-6777 (Lead Counsel)

Keith Brickell, D.C. v. Progressive Express Insurance Company, et al., United States District Court Southern District of Florida, Case No. 00-6649 (Lead Counsel)

Ultra Open MRI Corporation, et al. v. Prudential Property and Casualty Insurance Company, United States District Court Southern District of Florida, Case No. 01-6778 (Lead Counsel)

Ultra Open MRI Corp. v. Integon National Insurance Company, and Integon General Insurance Company, United States District Court Southern District of Florida, Case No. 01-6780 (Lead Counsel)

Salvatore D. Larusso, D.C. v. Florida Farm Bureau, United States District Court Southern District of Florida, Case No. Case No. 01-8110 (Lead Counsel)

Christopher Neilson v. AT&T Corp., Seventeenth Judicial Circuit Court, Broward County, Florida, Case No. 02012037 (Co-Lead Counsel)

Carey Paige v. Jordan Publishing Corp., et al., Seventeenth Judicial Circuit Court, Broward County, Florida, Case No. 05-17020-09 (Co-Lead Counsel)

REPORTED CASES:

MRI Scan Center, Inc. v. Allstate Ins. Co.,
2007 WL 2288149 (S.D.Fla., August 07, 2007)

Zokaite v. Balistreri Realty, Inc.
2007 WL 2225982 (S.D. Fla. July 31, 2007)

Allstate Ins. Co. v. Holy Cross Hosp., Inc.
2007 WL 2002542 (Fla. July 12, 2007)

Zokaite v. Balistreri Realty, Inc.
2007 WL 1789135 (S.D. Fla. June 19, 2007)

Zlotnick v. Premier Sales Group, Inc.
480 F.3d 1281 (11th Cir. 2007)

Peter F. Merkle, M.D., P.A. v. Health Options, Inc.
940 So. 2d 1190 (Fla. 4th DCA 2006)

AdvancePCS v. Bauer,
632 S.E.2d 95 (GA. 2006)

Zlotnick v. Premier Sales Group, Inc.,
431 F. Supp. 2d 1290 (S.D. Fla. 2006)

In re Spear & Jackson Securities Litigation,
399 F. Supp. 2d 1350 (S.D. Fla. 2005)

AdvancePCS v. Bauer,
617 S.E. 2d 637 (Ga. App. 2005)

Alan, Sean, and Koule, Inc. v. SV/Corsta V,
286 F. Supp. 2d 1367 (S.D. Ga. 2003)

Nationwide Mut. Ins. Co. v. Jewell,
862 So. 2d 79 (Fla. 2d DCA 2003)

Nationwide Mut. Fire Ins. Co. v. Central Florida Physiatrists, P.A.,
851 So. 2d 762 (Fla. 5th DCA 2003)

Robinson v. Robinson,
805 So. 2d 94 (Fla. 4th DCA 2002)

Nettech Solutions v. Zippark.com,
2001 WL 1111966 (S.D.N.Y. 2001)

Blumberg v. USAA Casualty Insurance Company,
790 So.2d 1061 (Fla. 2001)

Stasan, Inc. v. Logal,
2001 WL 204778 (N.D. Tex. 2001)

Lane v. Hemophilia of the Sunshine State, Inc.,
793 So. 2d 992 (Fla. 2d DCA 2001)

Logal v. Stasan, Inc.,
2000 WL 1449890 (N.D. Tex. 2000)

Logal v. Stasan, Inc.,
2000 WL 1194627 (N.D. Tex. 2000)

Zelinka v. Americare Healthscan, Inc.,
763 So. 2d 1173 (Fla. 4th DCA 2000)

Renaissance Cruises, Inc. v. Glassman,
738 So. 2d 436 (Fla. 4th DCA 1999)

Blumberg v. USAA Casualty Insurance Company,
729 So. 2d 460 (Fla. 4th DCA 1999)

Malin v. Ivax Corporation,
17 F. Supp.2d 1345 (S.D. Fla. 1998)

Ondo v. Gieseke,
707 So. 2d 968 (Fla. 4th DCA 1998)

Barnett v. Barnett,
705 So. 2d 63 (Fla. 4th 1997)

Benedict Feeding Company, Inc. v. Priest,
1997 WL 75605 (M.D. Fla. 1997)

Robinson v. Tootalian,
691 So. 2d 52 (Fla. 4th DCA 1997)

Robinson v. Robinson,
676 So. 2d 511 (Fla. 4th DCA 1996)

Walco Investments, Inc. v. Thenen,
947 F. Supp. 491 (S.D. Fla. 1996)

Walco Investments, Inc. v. Thenen,
168 F.R.D. 315 (S.D. Fla. 1996)

Robinson v. Robinson,
651 So. 2d 1271 (Fla. 4th DCA 1995)